



**Village of Colonie
PLANNING COMMISSION
ALBANY COUNTY
NEW YORK**

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**MINUTES
TUESDAY, DECEMBER 3, 2019
6:30 P.M.**

The regularly scheduled meeting of the Village of Colonie Planning Commission was held on Tuesday, December 3, 2019.

ROLL CALL: Chairman Chris Dennis

Commissioners: John Martin
Ann Krause (Absent)
Peter Chudzinski
Kenny Hart
Dan Judge
Jim Splonskowski
Mark Keegan, *Alternate*

Village Attorney: Victor Caponera

Village Engineer: R.J. Laberge

Code Enforcement: Mike Cerone

Chairman Dennis opened the meeting at 6:30 p.m. Commissioner Hart led the Pledge of Allegiance and asked that all electronic devices be silenced. The Commission reviewed the meeting minutes from November 19, 2019. Commissioner Martin made a motion to approve the meeting minutes as amended. Commissioner Hart seconded the motion. Motion passed and minutes approved.

APPLICANT: **1686 CENTRAL AVE
LEMON ALBANY
(AMEND EXISTING APPROVAL)**

Mr. Fatih Gunaydin, owner of Lemon Albany came before the Commission to seek approval to change his existing business, Oscar's Pizzeria to Lemon Albany. Mr. Gunaydin stated that he currently runs Oscar's and is looking to change the business name due to changes in his menu to facilitate a change in his business model. Mr. Gunaydin stated that he is looking to add a lunch buffet and salad bar. He is also adding catering options to the business. Chairman Dennis asked if the floor plan is changing. Mr. Gunaydin stated no, he is just looking to paint the interior, add two 6 - foot steam tables in the dining area. Mr. Gunaydin explained that he is taking two existing tables from the dining room and moving them to create the buffet area. Commissioner Chudzinski asked if the exterior of the building will be modified. Mr. Gunaydin stated no, he will only be

changing the sign. Commissioner Martin asked if he will be serving alcohol. Mr. Gunaydin stated no.

Commissioner Hart asked what the hours of operation will be. Mr. Gunaydin stated the hours of operation would be Monday to Thursday 10 am to 12 am, Friday and Saturday 10 am to 2 am and Sunday 11 am to 12 am. The applicant stated the longer hours were needed to cater to student delivery requests Mr. Gunaydin stated that the hours have changed however over the last two years due to personal reasons. Chairman Dennis asked if Mr. Gunaydin plans on being open 7 days a week. Mr. Gunaydin stated yes. Chairman Dennis asked if there will be any modifications to the kitchen and equipment. Mr. Gunaydin stated no. Commissioner Judge asked if there will be any change in number of employees. Mr. Gunaydin stated it will be reduced; he will be the only employee during the day and will have 3 or 4 employees at night.

Commissioner Hart asked if the floor plan provided is proposed or existing. Mr. Gunaydin stated that it is existing however he will be moving two tables to create the buffet area. Mr. Gunaydin indicated on the floor plan what tables will be moved. Attorney Caponera asked what the change in seating is. Mr. Gunaydin stated that he currently has 31 seats and will be reducing to 24 seats. Commissioner Hart asked if Mr. Gunaydin owns the property. Mr. Gunaydin stated that the rents the property from Albert Hannoush.

Commissioner Martin made a motion to approve Lemon Albany at 1686 Central Ave with the condition that the number of seats does not exceed 31. Commissioner Chudzinski seconded the motion.

VOTE: Unanimous to approve the application as presented.

APPLICANT:

**29-31 FERMAC STREET
VISION PLANNING CONSULTANTS
(SUBDIVISION, SPECIAL PERMIT)**

Mr. Nick Costa, from Advance Engineering and Mr. Ted DeLucia from Vision Planning Consultants came before the Commission to present the final plans for 29-31 Fermac Street. Mr. Costa stated that the project is proposing to subdivide the property of 29 and 31 Fermac Street and build 2, two family duplex buildings. Mr. Costa stated that he has worked on the site plan and OJ Meyer has worked on the subdivision. Mr. Costa stated that they have had to change the stormwater and water system due to Albany County concerns on the discharge. He explained that there will be additional retention area underground and that will be recharged into the soil. Overflow will go into a ditch as indicated on the site plan. Mr. Costa stated that the County was ok with that drainage arrangement. Chairman Dennis asked what the depth of the trench is. Mr. Costa stated that the chambers are about 14 inches deep and explained that the depth has been an issue. It needs to stay shallow, but it will be covered.

Mr. Costa stated there were additional changes to the water lines and a hydrant has been added. There will be separate water service and sanitary sewer service to each unit of the building. The laterals have also been re-routed. Mr. Costa stated that this was requested by DPW Superintendent Les Decker. Chairman Dennis asked if these plans have been reviewed by Engineer Laberge.

Engineer Laberge stated he has reviewed it and both he and Superintendent Decker are satisfied. Commissioner Martin stated that at a previous meeting it was mentioned that there was a conflict with the County with the size of the pipes. Engineer Laberge stated that the County wanted an infiltration basin in the street as the overflow runs into the County property. Engineer Laberge stated that with the proposed design there will be no new increase in the runoff. Mr. Costa stated that the issue is for all of Fermac Street, not just the proposed project area.

Commissioner Martin asked if easements will be needed for this site. Mr. Costa stated yes. Attorney Caponera stated that he has not seen any of the easements yet. Attorney Caponera stated that Fermac Street still needs to be conveyed to the Village, cross easements for each lot and sanitary sewer easements are needed.

Engineer Laberge read his review letter dated November 14, 2019 and stated the following is required:

1. Easements and property transfer
2. Access easements for the shared driveway
3. Drainage easement and cross easements between the neighbors
4. Define maintenance responsibility
5. Sanitary sewer easement with Walfred
6. Restriction easement

Engineer Laberge stated that the following were also required:

1. Subdivision
2. Each lot needs a special permit
3. Albany County Highway Permit
4. SWPPP Permit

Commissioner Martin asked what was decided with the neighbors regarding landscaping or fencing for the buffer area. Mr. DeLucia stated that a fence was agreed upon however the neighbors would like to see landscaping also. Engineer Laberge stated that a fence would not interfere with the drainage and can be placed on the easement area. Chairman Dennis asked that the evergreens shown on the site plan be 6 foot and not listed as 5-6 feet and be identified as conifers.

Commissioner Martin made a motion to approve the subdivision for 29-31 Fermac Street to be subdivided into 2 lots and 3 parcels on the condition that the Planning Commission Counsel is in receipt of and approval of the subdivision easements and deed as described in Engineer Laberge's November 14, 2019 letter as well as the receipt of the Albany County Highway permit and SWPPP permit. Commissioner Chudzinski seconded the motion.

VOTE: Unanimous to approve the subdivision as presented.

Commissioner Martin made a motion to approve a special permit for 29 Fermac Street. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the special permit for 29 Fermac Street.

Commissioner Martin made a motion to approve a special permit for 31 Fermac Street. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the special use permit for 31 Fermac Street.

DISCUSSION:

Trustee Tobin updated the Commission that the Mayor appointed two new Commissioners to Planning Commission last night. Mr. Splonskowski will be moving over from Zoning Board of Appeals and will fill the vacancy left by Mr. Tommaney. Mr. Keegan was appointed as alternate. The Commission welcomed their new Commissioners.

Commissioner Hart made a motion to adjourn the meeting. Commissioner Martin seconded the motion.

VOTE: Unanimous to adjourn the meeting at 7:19 p.m.

Respectfully Submitted,

Alexandra M. Hart
Planning Coordinator
Village of Colonie